

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

SEMCON IP INC.,

Plaintiff,

V.

AMAZON.COM, INC.,

Defendant.

§ 87(2)(b)

Case No. 2:18-cv-00192-JRG

JURY TRIAL DEMANDED

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**DECLARATION OF ALFRED R. FABRICANT IN SUPPORT
OF PLAINTIFF SEMCON IP INC.'S MOTION TO COMPEL
AMAZON.COM, INC. TO PROVIDE DISCOVERY**

I, Alfred R. Fabricant, hereby declare as follows:

1. I have personal knowledge of the facts set forth in this declaration. I am competent to testify as to all matters stated, and I am not under any legal disability that would in any way preclude me from testifying.
2. I am a partner at the law firm of Brown Rudnick LLP and counsel of record for Plaintiff Semcon IP Inc. in this matter.
3. The exhibits attached to this declaration may contain annotations and/or excerpts of the originals.
4. Attached hereto as Exhibit 1 is a true and correct copy of a letter dated February 5, 2019 from Shahar Harel of Brown Rudnick LLP to Michael Bettinger of Sidley Austin LLP and other counsel of record for Amazon.com, Inc.

5. Attached hereto as Exhibit 2 is a true and correct copy of excerpts of an e-mail dated March 7, 2019 from Daniel Shea, Jr. of Brown Rudnick LLP to Cal Butcher of Sidley Austin LLP and other counsel of record for Amazon.com, Inc.

6. Attached hereto as Exhibit 3 is a true and correct copy of excerpts from the rough transcript of the deposition of [REDACTED] taken on June 13, 2019.

7. Attached hereto as Exhibit 4 is a true and correct copy of excerpts of an email dated June 14, 2019 from Enrique W. Iturralde of Brown Rudnick LLP to Michael Bettinger of Sidley Austin LLP and other counsel of record for Amazon.com, Inc.

8. Attached hereto as Exhibit 5 is a true and correct copy of excerpts of the subpoena to Amazon.com, Inc., dated July 17, 2017, issued in *Semcon IP Inc. v. Huawei Device USA Inc., et al.*, Case No. 2:16-cv-00437 (Lead Case) in the Eastern District of Texas, Marshall Division.

9. Attached hereto as Exhibit 6 is a true and correct copy of excerpts from Amazon.com, Inc.'s Objections to the Subpoena issued in *Semcon IP Inc. v. Huawei Device USA Inc., et al.*, Case No. 2:16-cv-00437 (Lead Case) in the Eastern District of Texas, Marshall Division, dated July 28, 2017.

10. Attached hereto as Exhibit 7 is a true and correct copy of excerpts from the rough transcript of the deposition of [REDACTED] taken on June 14, 2019.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on June 19, 2019 in New York, NY.

/s/ Alfred R. Fabricant
Alfred R. Fabricant